

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

*
UNITED STATES OF AMERICA, * CR. 08-30056
*
Plaintiff, *
*
-VS- * REPORT AND RECOMMENDATION
* FOR DISPOSITION OF DEFENDANT'S
JADE LAROCHE, * MOTION TO SUPPRESS STATEMENTS
*
Defendant. *

Defendant, Jade LaRoche, has filed a Motion to Suppress Statements, Docket No. 14. Because Defendant's Motion is a dispositive one, this Court is only authorized to determine the same on a report and recommendation basis. See 28 U.S.C. §636(b)(1). Based on the findings, authorities and legal discussion made on the record at the August 25, 2008 hearing, the Court hereby

RECOMMENDS that Defendant's Motion be granted in part and denied in part. The Motion should be granted to the extent that it seeks to exclude Defendant's statement agreeing to "take all of the blame" as substantive evidence, but not as impeachment evidence. In all other respects, the Motion should be denied.

Dated this 25th day of August, 2008, at Pierre, South Dakota.

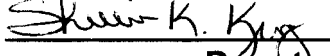
BY THE COURT:



MARK A. MORENO
UNITED STATES MAGISTRATE JUDGE

ATTEST:

JOSEPH HAAS, CLERK

BY: 
Deputy

(SEAL)

NOTICE

Failure to file written objections to the within and foregoing Report and Recommendations for Disposition within ten (10) days from the date of service shall bar an aggrieved party from attacking such Report and Recommendations before the assigned United States District Judge. See 28 U.S.C. § 636(b)(1).